

REMARKS

In accordance with the foregoing, claims 1, 5, 6, 8-10 and 12-14 have been amended. Claims 1, 2, 4-6, 8-10 and 12-14 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REQUEST FOR EXAMINER INTERVIEW

The Examiner is respectfully requested to contact the undersigned to schedule an Examiner interview, before any further action is taken on this application, to discuss the features of the present invention and the cited art at the Examiner's earliest convenience.

REJECTIONS UNDER 35 U.S.C. §103(a)

On pages 3-5 of the Action, the Examiner maintains the rejections of claims 1, 2, 4-6, 8-10 and 12-14 as being unpatentable over previously-cited Stefik et al. (U.S. Patent No. 5,638,443) (hereinafter "Stefik").

Stefik describes a system for controlling the use and distribution of composite digital works. The portions of Stefik cited by the Examiner state that repositories are used to store digital works, control access to digital works, bill for access to digital works and maintain the security and integrity of the system. (See Stefik, column 6, lines 1-5). According to Stefik, a digital work only moves from one trusted repository to another, and all uses of copies are potentially controlled and billable. (See Stefik, column 6, lines 12-15).

Stefik further discusses that a repository will have associated with it a repository identifier, which is a unique number assigned to the repository at the time of manufacture. As a prerequisite, each repository has an identification certificate. A master repository plays the role of an authorization agent to enable repositories to received digital works. Identification certificates must be updated on a periodic basis. (See Stefik, column 13, lines 10-25).

Further, Stefik states that a digital work is circulated with a ticket (includes in the purchase price and possibly embedded in the work) that can be used for future upgrade. (See Stefik, column 23, lines 23-25). A ticket embedded in a digital work can be "unpunched" so that additional user rights may be assigned at a later time. (See Stefik, column 23, lines 9-25).

The Examiner appears to reason that since, according to Stefik, the usage rights assigned by a creator will always remain with the digital work (citing Stefik, column 5, lines 53-67), these rights are predetermined and predefined by the author or owner. The Examiner

further states that rights may be increased or upgraded through ticket punching and unpunching or generally through paying more money but only within the range that was predetermined. (See page 4, item 8, of the Office Action). Thus, "unpunching" a ticket corresponds to a predetermined event which will cause the user rights to increase to the full, previously-defined amount.

However, the independent claims are amended herein to clarify that embodiments of the present invention are capable of acquiring information of a predetermined range of user right, defined in the agreement, within which the user rights are expanded beyond the user rights as originally provided. That is, according to embodiments of the present invention, in the case of an emergency (e.g., a natural disaster), a license for user rights can easily be expanded in volume to cope with an urgent increase in demand.

It is submitted that Stefik fails to teach or suggest such a feature, since Stefik is directed to a system of merely renewing user rights to the previously-utilized level. Stefik does not discuss a situation in which user rights must be expanded beyond the originally provided user rights in the occurrence of a predetermined event that may, for example, cause an urgent increase in demand.

Therefore, it is respectfully submitted that the independent claims, as amended, as well as the pending dependent claims, patentably distinguish over Stefik. Thus, it is further submitted that all pending claims are allowable over the prior art.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 
Michael P. Stanley
Registration No. 58,523

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501